

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-15 and 17 are pending in this application. Claims 1-15 and 17 stand rejected.

Claim Rejections – 35 U.S.C. §103

Claims 1-15 and 17 were rejected under 35 U.S.C. §103 as being unpatentable over **Purcell** (USP 5,940,807 previously cited) or **Tambay et al.** (US Patent Publication No. 2002/00026403) in view of **O'Neill et al.** (USP 6,219,653, previously cited) and any of **Lilly et al.** (USP 5,787,000), **Milne et al.** (USP 6,049,742) or **Dangat et al.** (USP 6,041,267). For the reasons set forth in detail below, this rejection, to the extent it is considered to apply to the amended claims, is respectfully traversed.

Claims 1 and 12 have been amended to clarify that respective production machines at various sites provide location information as well as production information to an accumulation means, and the production information and location information is used to derive the optimal production information. As will be set forth in detail below, it is respectfully submitted that none of the cited references, whether taken alone or in combination, disclose the features currently recited in independent claims 1, 6 and 12.

The patentability arguments regarding the **Purcell**, **Tambay et al.** and **O'Neill** references set forth in the previous response are hereby incorporated by reference.

The Office Action rejects the claims on substantially the same basis set forth in the previous Office Action, except the Examiner now applies **Lilly et al.**, **Milne et al.** and **Dangat et**

al. to teach “matching of production assets with demand and including production monitoring” (see Office Action, page 3, lines 3-6; page 4, lines 15-17; and page 6, lines 5-8).

Milne et al. disclose a computer implemented system for generating an estimated or projected supply planning (PSP) *match* between existing *assets* and *demands* across multiple manufacturing facilities, while taking into account *manufacturing specifications*, process flows and business policies to determine what supply can be provided over what time-frame (see, e.g., col. 4, lines 35-46).

Manufacturing specifications and process flows include build options, BOM (bill of material), *yields*, cycle times, *receipt dates*, capacity consumed, capacity available, ..., and *shipping times* (see, e.g., col. 5, lines 11-15).

One of the major stages in the projected supply planning (PSP) matching is to capture the production (manufacturing) specification information (e.g., yields) from existing databases. The **Milne et al.** reference states that this information is traditionally captured and stored on a regular basis by all manufacturing entities (see col. 6, lines 48-52 and lines 62-66).

However, unlike the presently claimed invention, **Milne et al.** do not disclose or suggest a plurality of production machines including location information generating means for generating location information specifying a location of the production machines and using the location information generated by the respective machines as a factor in determining optimal production information.

Lilly et al. disclose a computerized system for scheduling a plurality of work orders in a manufacturing process. *Each work order to be scheduled specifies a set of operations to be*

performed using a plurality of resources and materials. In operation of the **Lilly et al.** system, data is received in a computer, the data including **resource availability information** for each resource used in the manufacturing process, **material availability information** for each material used in the manufacturing process, and **work order information**.

The work order information includes a release date for the work order, a want date for the work order, operations information, and material requirements information. The operations information includes the identity and sequence of operations to be performed for the work order, the identity of the resources needed to perform each operation, a minimum resource capacity needed to perform each operation, and the time needed to perform each operation. The materials information includes the identity of the materials needed to perform each operation and the quantity of each material needed for the operation. See, e.g., col. 3, lines 1-21; and cols. 5 and 6, which describe the various types of data.

Lilly et al. do not disclose or suggest a plurality of production machines including location information generating means for generating location information specifying a location of the production machines and using the location information generated by the respective machines as a factor in determining optimal production information, as recited in claims 1 and 12.

Dangat et al. discloses a computer implemented decision support tool to achieve matching between existing assets and demands across multiple manufacturing facilities within boundaries established by manufacturing specifications.

Dangat et al. do not disclose or suggest a plurality of production machines including location information generating means for generating location information specifying a location of the production machines and using the location information generated by the respective machines as a factor in determining optimal production information.

Further, none of the previously cited **Purcell, Tambay et al.** and **O'Neill** references disclose or suggest the feature added to claims 1 and 12 by the present Amendment.

Claim 6

The Examiner responds to the previous patentability arguments regarding claim 6, stating “The differences between the above and the claimed invention is the use of a position information utility and production data in a purchase price. It is noted that it is believed that freight is an obvious function of relative position” (see Office Action, page 4, lines 8-12).”

The Office Action relies on **O'Neill** to teach calculating freight costs. However, **O'Neill** simply calculates freight costs based on freight data entered by a seller and a destination location and an origination location in a delivery request from a buyer client (see col. 1, lines 59-67). **O'Neill** is completely silent with respect to a machine information output means that outputs positional information about a mobile production machine, and a production information presentation means for showing a buyer a mobile production machine located in a neighborhood of a delivery place specified by the buyer based on the positional information output by the machine information output means.

As set forth in the Manual of Patent Examining Procedure (MPEP), Eighth Edition, Revision 2, May 2004, §2143.03 “To establish *prima facie* obviousness of a claimed invention, **all the claim limitations** must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The Examiner’s assertion that “freight is an obvious function of relative position” does not teach or suggest the specific features noted above, and recited in claim 6. Specifically, **O’Neill** and the other cited references do not disclose or suggest that the “origination location” is related to positional information about a mobile production machine. Moreover, the claimed mobile production machine generates its own positional information, whereas the origination location of **O’Neill** is entered by the buyer in a delivery request. Furthermore, there is simply no suggestion in **O’Neill** of a production information presentation means for showing a buyer a mobile production machine located in a neighborhood of a delivery place.

Further, it is impermissible for the Examiner to read these features into the reference based on simply a teaching of a destination and origination location used to calculate freight. Therefore, a *prima facie* case of obviousness has not been established.

Further, 37 C.F.R. §1.104(c)(2) requires that the Examiner point out the portions of the reference supporting the rejection. Therefore, if the rejection is maintained, the Examiner is requested to point out column and line numbers designating where the above-noted elements recited in claim 6 are disclosed in **O’Neill**. It is respectfully submitted that the statement “freight is an obvious function of relative position” does not point out where the claimed elements are disclosed, in contravention of the rules.

In view of the above amendments and remarks, it is respectfully submitted that none of the cited references, whether taken alone or in combination, disclose, suggest or render obvious the features recited in independent claims 1, 6 and 12, and claims dependent therefrom. Reconsideration and withdrawal of the rejection under §103 are respectfully requested.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition for allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



William M. Schertler
Attorney for Applicants
Registration No. 35,348
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

WMS/dlt